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BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

RECEIVED

JUN 13 1998

July 7, 1998

#795

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (98270)

FROM: Deirdre Avent
DEIRDRE AVENT
Elections Analyst

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: INITIATIVES.

SUMMARY DATE: January 26, 1998

PROPONENT: John Moores
Theodore D. Roth

DIVISIONS:

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BILL JONES
Secretary of State
State of California

January 26, 1998

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TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (98040)

FROM: *Deirdre Avent*
DEIRDRE AVENT
ELECTIONS ANALYST

RECEIVED

FEB 02 1998

SUBJECT: INITIATIVE #795

LIBRARY
MONTGOMERY COLLEGE OF THE LAW

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

INITIATIVES.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

The proponents of the above-named measure are:

John Moores
Theodore D. Roth
c/o Joseph Remcho and Robin Johansen
Remcho, Johansen and Purcel
220 Montgomery Street, Suite 800
San Francisco, California 94104

#795
INITIATIVES.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 693,230
California Constitution, Article II, Section 8(b)
2. Official Summary Date:.....Monday, 01/26/98
Elections Code section (EC§) 336
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)Monday, 01/26/98
 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a))Thursday, 06/25/98
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b)).....Tuesday, 07/07/98

(If the Proponent files the petition with the county on a date prior to 06/25/98,
the county has eight working days from the filing of the petition to determine
the total number of signatures affixed to the petition and to transmit the total to
the Secretary of State) (EC §9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Thursday, 07/16/98*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)).....Thursday, 08/27/98

* Date varies based on receipt of county certification.

INITIATIVE #795

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/16/98, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 762,553 or less than 658,569 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 658,569 and 762,553 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a))..... Sunday, 09/06/98*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c))..... Wednesday, 10/21/98

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 09/06/98, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033) Sunday, 10/25/98*

<p>NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 3, 1998 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 25, 1998). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections official by April 17, 1998. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 25, 1998.</p>
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* Date varies based on receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

Facsimile: (916) 323-2137
(916) 324-5490

January 26, 1998

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

FILED
In the office of the Secretary of State
of the State of California

JAN 26 1998

Re: Initiative Title and Summary
Subject: INITIATIVES. INITIATIVE CONSTITUTIONAL
AMENDMENT AND STATUTE.
File No: SA 97 RF 0065

BILL JONES, Secretary of State
By *[Signature]*
Deputy Secretary of State

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the names and address of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

[Signature]

MICHELE W. OLSEN
Acting Initiative Coordinator

MWO:fec
Enclosures

cc: John Moores and Theodore D. Roth

Date: January 26, 1998
File No.: SA97RF0065

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

INITIATIVES. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Requires 60% majority vote to amend constitution. Limits new text of state initiatives to 5,000 words. Requires Legislative Analyst prepare analyses/summaries of initiatives for voters. Summary to be understandable to voters with twelfth-grade education; must state initiative may be unconstitutional if Analyst so determines. Preparation to be independent of control by elected officials. Requires disclosure of initiative's major financial supporters/opponents, and initiative petitions circulated by paid signature-gatherers. Extends signature-gathering period when petition circulated entirely by volunteers. Defines requirement that initiatives relate to single subject. Prohibits courts from altering initiative language. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The measure would result in additional costs to the Legislative Analyst, and corresponding savings to the Attorney General, to perform duties related to the preparation of titles and summaries for initiatives and legal analyses of measures. The Secretary of State would incur costs to notify county election officials regarding whether signatures on petitions were gathered by volunteers and to add information on contributors to initiative petitions and the ballot pamphlet. The costs to the Legislative Analyst and Secretary of State are unknown, but are probably not major.

December 15, 1997

SA97RF0065
Amdt. # 2-NS

VIA FACSIMILE & FEDERAL EXPRESS

Michelle Olson
Initiative Coordinator
Office of the Attorney General
1300 "I" Street, 17th Floor
Sacramento, CA 94244-2550

RECEIVED
DEC 17 1997

Re: Proposed Initiative
Your File No. SA 97 RF 0065

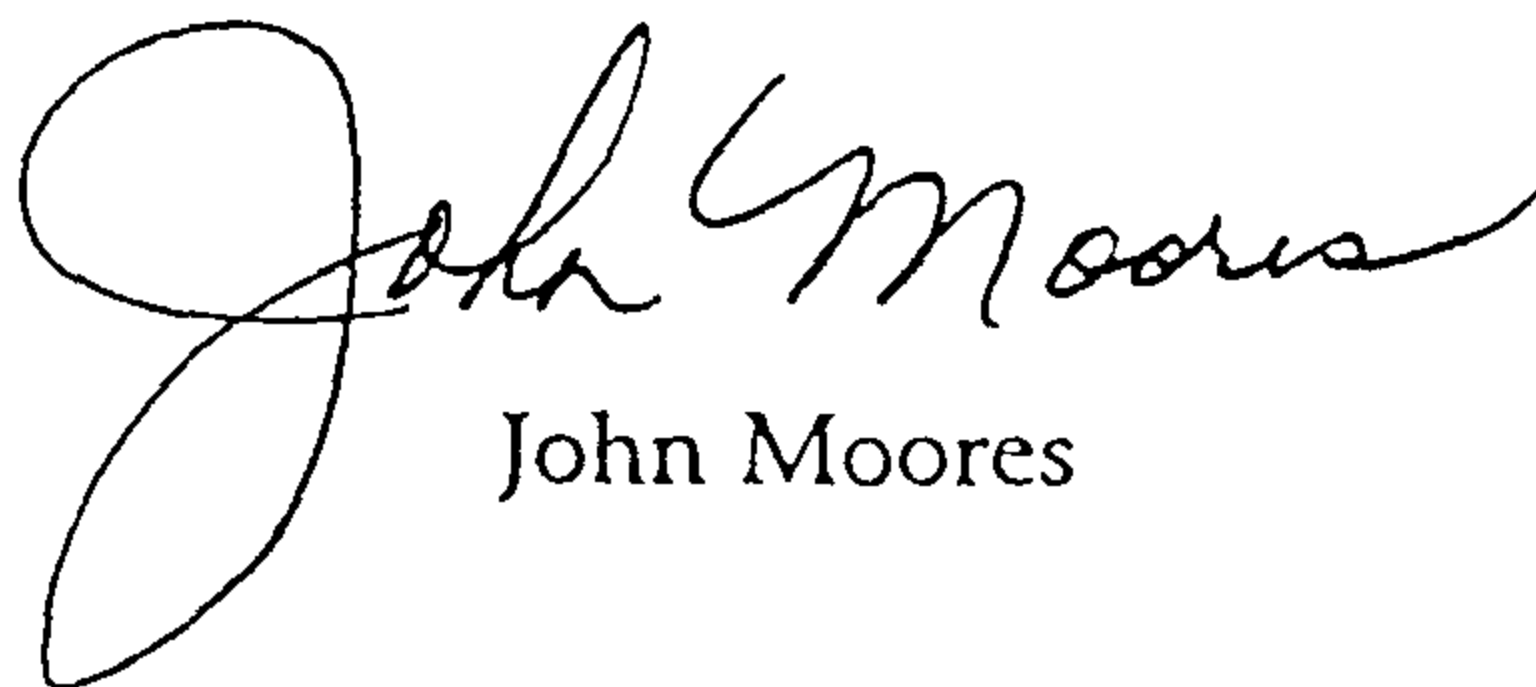
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE


Dear Ms. Olson:

As our lawyers informed you, we wish to withdraw two of the amendments to the Initiative Simplification Amendment of 1998, which your office deems to be substantive: (1) moving the 12th grade requirement from the Constitution to the Elections Code and (2) permitting amendment of the statutory sections by a two-thirds vote. We understand that the Attorney General considers the typographical corrections in sections 2, 5 and 7 and the addition of the phrase "insofar as practicable" to Article II, section 10(e) of the California Constitution to be technical changes that will not delay the title and summary. Based on this information, we withdraw the substantive amendments. Please make the typographical corrections in sections 2, 5 and 7 and add the phrase "insofar as practicable" to Article II, section 10(e) of the California Constitution.

Enclosed is a copy of the measure with these changes.

Sincerely,


John Moores


Theodore D. Roth

Enclosure

THE INITIATIVE SIMPLIFICATION AMENDMENT OF 1998

In order to curtail the influence of special interest groups in the initiative process, to keep our Constitution as simple and understandable as possible, and to make initiatives readily understandable, the people of the State of California do hereby enact the Initiative Simplification Amendment of 1998. This measure is intended to accomplish its purposes in the following ways:

1. To simplify initiatives and make them more understandable by requiring that analyses and summaries for the voters be readily comprehensible to voters with a twelfth-grade education, by requiring that they contain no more than 5000 words of new text, and by strengthening existing constitutional requirements that measures contain only one subject.
2. To discourage unnecessary amendments to the Constitution and to keep the Constitution simple by requiring that amendments to the Constitution receive the assent of 60% of the voters.
3. To remove the initiative process from elected politics so far as possible by placing responsibility for enforcing the simplification and easy understanding of measures with the impartial Legislative Analyst and insulating the Analyst from pressure from elected officials.
4. By requiring the Legislative Analyst to notify voters of potential constitutional problems with initiatives.
5. By prohibiting courts from re-writing the language of initiatives.
6. By regulating petition signature-gatherers so as to encourage the use of volunteers and provide disclosure of the financial arrangements of signature-gatherers.
7. By requiring timely disclosure of contributions and expenditures on the Internet and elsewhere.
8. By insuring that the voters are told who is really behind the campaigns in support of and in opposition to an initiative.

Section one.

Article II, section 8(d) of the California Constitution is hereby amended to read as follows:

(d) ~~An initiative~~ measure embracing more than one subject may not be submitted to the electors or have any effect. *Separate initiatives must be filed for different subjects. A measure embraces more than one subject if its parts are not both reasonably germane to each other and functionally related. An initiative measure may not contain more than 5,000 words of new text.*

Section two:

Article II, Section 10, subsections (d) and (e) of the California Constitution are hereby amended and new subsections (f) and (g) are added as follows:

(d) Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the ~~Attorney General~~ *non-partisan Legislative Analyst* who shall prepare a title and summary of the measure as provided by law. *If the Legislative Analyst determines that the measure embraces more than a single subject, the Legislative Analyst shall notify the proponent of the measure who shall then amend the initiative, divide it into separate initiatives, or withdraw it.*

(e) The Legislature shall provide the manner in which petitions shall be circulated, presented, and certified, and measures submitted to the electors-, *provided that all analyses and summaries for the voters shall be prepared by the non-partisan Legislative Analyst and no elected official, including a member of the Legislature, shall exercise any control over the work of the Legislative Analyst in this respect. All analyses and summaries for the voters shall, insofar as practicable, be readily understandable to voters with a twelfth-grade education.*

(f) *The Legislative Analyst may consult with the Attorney General and such other persons as the Legislative Analyst chooses regarding the constitutionality of the measure. If the Legislative Analyst determines that the measure or any part of it may violate or probably violates the Constitution of this State or of the United States, he or she shall include a statement to that effect in any summary prepared for petition circulation unless the proponents choose to cure the defect. The statement shall also be included in the ballot pamphlet. Neither the California Supreme Court nor any other court may change the language of an initiative measure either before or after passage by the people.*

(g) *The proponents of an initiative may withdraw it at any time up to 15 days after it qualifies.*

Section three.

Subsection (d) is added to section 9008 of the Elections Code:

(d) Initiative petitions shall prominently list the top five financial supporters of the measure and their industry or professional affiliation above the title and summary and in a manner that is clearly distinguishable from the text of the measure. Petitions circulated by mail shall also include the names of the top two financial supporters of the measure on the outside of the envelope. All petitions being circulated by paid signature-gatherers shall contain prominent notifications to that effect, and signature-gatherers will be required to prominently display a badge or card that identifies the signature-gatherer as either a paid signature-gatherer or a volunteer. Signatures gathered on petitions that do not meet the disclosure requirements of this section shall be deemed invalid.

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Section four.

Subsection (c) of section 9085 of the Elections Code is amended as follows:

~~(e) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1999, deletes or extends that date.~~

(c) The top five financial contributors in support of and in opposition to a state measure shall be prominently disclosed in the ballot pamphlet, and the Legislative Analyst shall describe the industry or other affiliation of the major contributors to the campaigns in support of and in opposition to the measure.

Section five.

Section 336 of the Elections Code is amended to read:

The "official summary date" is the date a summary of a proposed initiative measure is delivered or mailed by the ~~Attorney General~~ *Legislative Analyst* to the proponents for a proposed initiative measure. The ~~Attorney General~~ *Legislative Analyst* shall immediately notify the Secretary of State of that date and send the Secretary of State a copy of the summary. The Secretary of State immediately shall notify the proponents and county elections official of each county of the official summary date and mail a copy of the summary to each county elections official. This notification shall also include a complete schedule showing the maximum filing deadline, and the certification deadline by the counties to the Secretary of State.

No petitions for a proposed initiative measure shall be circulated for signatures prior to the official summary date. Petitions with signatures on a proposed initiative measure shall be filed with the county elections official not later than 150 days from the official summary date, *provided, however, that a proposed initiative measure for which signatures have been collected entirely by unpaid volunteer signature-gatherers may file its petitions not later than 180 days from the official summary date. The proponent shall notify the Secretary of State if the initiative has gathered all of its signatures by unpaid volunteer signature-gatherers, and the Secretary of State shall inform the county elections officials. and no* No county elections official shall accept petitions on the proposed initiative measure after ~~that period: the date specified by the Secretary of State.~~ *Nothing in this section shall affect the requirement that no measure shall be placed on a statewide election ballot that qualifies less than 131 days before the date of the election.*

Section six.

Section 84202.4 is added to the Government Code to read as follows:

Supporters and opponents of statewide measures shall post all contributions of \$1,000 or more on the Internet within 48 hours of receipt. The proponents shall disclose their Internet site on all petitions, and both supporters and opponents shall provide this information on all mass mailings regarding the initiative. The Internet sites for supporters and opponents of statewide measures shall also be included in the official ballot pamphlet.

Section seven.

Article XVIII, sections 3 and 4 of the California Constitution are amended to read:

- Sec. 3. The electors may amend the Constitution by initiative. *The requirements of Article II, sections 8 and 10, except sections 10 (a) and (c), for initiative statutes shall apply to the proposal and passage of initiative constitutional amendments.*
- Sec. 4. A proposed amendment or revision shall be submitted to the electors and if approved by a 60% majority of votes thereon takes effect the day after the election unless the measure provides ~~otherwise~~ *for a different effective date*. If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

Section eight.

Until the Legislature amends the necessary statutes to conform with this measure, all current statutory references to initiative-related duties to be performed by the Attorney General shall be deemed to be those of the Legislative Analyst.

Section nine.

Nothing in this amendment shall limit any pre-existing rights of voters to judicial review.

Section ten.

Severability. If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstance shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable.

